

**Carlisle Conservation Commission**  
**October 14, 2010**

Pursuant to the notice filed with the Town Clerk, Chair Kelly Guarino called the meeting to order in the Clark Room at the Town Hall at 7:30 p.m. Also present were Commissioners Luke Ascolillo, Tom Brownrigg, Vice-chair Peter Burn, Jen Bush, and Debra Kimbrell Anderson and Conservation Administrator Sylvia Willard.

**Bills, General Agenda Items, Minutes and New Business:**

**Emergency Certificate:** Kathleen Coyle of 125 Maple Street had been recently granted an Emergency Certificate to allow removal of a diseased willow tree on her property that had split in half, with a large portion of the debris falling onto the abutting property and preventing safe access. Since she is an abutter to the proposed work and due to the fact that a portion of the tree fell onto her property, Guarino recused herself from the discussion. Subsequent to the issuance of the EC, the property owner requested permission to take down the remaining potentially unstable portion of the tree. Willard reported having observed on a recent site visit that a portion of the tree was leaning toward power lines on Maple Street and the other portion leaning toward the house. *A motion to amend the previously issued EC was made by Burn and seconded by all Ascolillo, with all voting in favor.*

**Bylaw Fees Review:** Brownrigg reported having made significant progress in working with Willard to finalize the proposal for a bylaw fee schedule revision. The Commission plans to review the material at their next meeting with the goal of finalizing a proposal so as to coincide with next year's budget planning process.

**Fall Conference Sign Up:** Members were given a final opportunity to register for the upcoming MACC Fall Conference scheduled for Saturday, October 23, 2010.

**Commission Member Delegate Responsibilities:** Willard confirmed that the BOS has been notified in writing of the Commission's nomination of Ascolillo as their representative for the Community Preservation Committee at their previous meeting.

**BOS Chairs Meeting:** Guarino reported having attended the recent Selectmen's Chairs Meeting they have established in order to review BOS goals for the upcoming year with other town boards and committees. In discussing the "Conservation Land and Open Space" objectives, the BOS requested that the Commission facilitate some form of maintenance agreement with the Town of Chelmsford for the Cranberry Bog. Guarino said she planned on attending a Chelmsford ConsCom in the near future to acquaint herself with the group and initiate plans for discussing the Cranberry Bog. Also discussed at the BOS Chairs Meeting was their plan to conduct quarterly Land Use Boards meetings relative to promoting more effective and efficient town services.

**Conservation Land Use Permits:**

**Fox Hill:** Matthew Foti of Foti Landscape and Tree Service was present to discuss his request for permission to use Fox Hill to gain access 46 to Stearns Street for a landscaping project. The materials he had submitted to support his request illustrated the fact that he is unable to access the rear of private property due to the location of the septic system and leach field. He is proposing to be allowed to transport several dump truck loads of wood chips as part of a project involving the planting of several unusual varieties of conifers in an area that is largely populated with dead ash trees and non-native/invasive Norway maple trees. The work would require temporarily removing an eight-to-ten foot section of an old farmer's wall located on Fox Hill and the clearing of some

buckthorn in the area. Satisfied that Foti was capable of minimizing any damage to the field and that he would restore the stone wall satisfactorily upon completion of the project, *Burn moved to issue a Land Use Permit to Matthew Foti for the project as described, Ascolillo seconded and all voted in favor.*

**Foss Farm:** Subsequent to a discussion at the Commission's previous meeting and to the submission of the required application, *Burn moved to issue a Land Use Permit to the Old North Bridge Hounds Club to use Foss Farm for training and exercise up to three times per week from 10 a.m. to 1 p.m. during the months from October, 2010 through January, 2011, Kimbrell-Anderson seconded and all voted in favor.* It was noted that the permitted times have been coordinated with the Old North Bridge Pony Club in order to avoid potential conflicts.

**8:00 p.m. (DEP 125-772) Request for Amended OOCs**

**Applicant:** Lemonias Development Co.

**Project Location:** Lot 3, Koning Farm Road

**Project:** Construction of a house, deck, well, drywells, retaining walls and associated grading within the 100' Buffer Zone of a Bordering Vegetated Wetland

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. The hearing was continued to October 28, time to be determined with the applicant's permission due to an error in the Legal Notice.

**Massachusetts Canine Response Team:** Lyn Moraghan appeared before the Commission with her (adorable and well behaved) rescue dog, Dublyn, to discuss the group's use of use of Carlisle Conservation Lands for search and rescue training purposes. Moraghan explained that MCRT is a non-profit organization based in Bedford that is staffed by volunteer dog handlers. The group fields only Massachusetts State Police trained and certified dogs and handlers. They are one of six to eight teams in Massachusetts that are subsidiary groups of the Massachusetts Search and Rescue Federation. Training is typically conducted in the Carlisle area once a week, and the Carlisle Police Dept is always notified in advance of all training sessions with no problems in the past. She reported that the group has actually been training in Carlisle for 7 or 8 years, primarily on private land and at Great Brook State Park. It was not until Willard received a call last week from someone looking for directions to a search and rescue training session that the Commission became aware of the activity. The Commission thanked Moraghan for the presentation and acknowledged the importance of the group's work. They agreed to continue the discussion once the Commission has an opportunity to determine which of the proposed areas would most appropriate for the training activity and once they have consulted with Town Counsel relative to any possible liability issues.

**8:25 p.m. (DOA-278) Request for Determination**

**Applicant:** Christopher and Amy Coloian

**Project Location:** 61 Hartwell Road

**Project:** Removal of 10 trees within the 100-foot buffer zone of a BVW

Although there had been an error in the Carlisle Mosquito relative to the type of filing that was being reviewed in conjunction with this project, the Commission agreed to proceed with the review. The decision was based on a consultation with a representative from MACC, as well as to the fact that the local Carlisle Wetlands Protection Bylaw does not require a Public Hearing for an RDA filing. Property owner Amy Coloian informed the Commission that they are requesting permission for the tree removal project due to safety concerns. The trees are approximately 80 to 120 feet high located within 60 to 80 feet from and leaning toward the house. The homeowner reported having had many large branches fall very near to the house over the past year. She has

been working in conjunction with her neighbor, Deborah Van Walsum of 63 Hartwell Road (see DOA-279) since March “navigating the system” together in order to expedite the tree removal work on both properties. After receiving several bids for the work, the applicants have selected a contractor who has assured them that the removal can be executed using a crane to be staged in the driveway, without any permanent disturbance to the BZ once they have been removed from the premises. The Plan includes provisions for replacing the trees with species appropriate to the area in accordance with the plant list included in the Plan. Based on her observations during a recent site visit, Willard concurred with the applicant that the trees do in fact pose a potential safety hazard. *Kimbrell-Anderson moved to issue a Negative Determination/B3 for DOA-278, Burn seconded, and all voted in favor.*

#### **8:45 (DOA-279) Request for Determination**

**Applicant: Deborah Van Walsum**

**Project Location: 63 Hartwell Road**

**Project: Removal of 7 trees within the 100-foot buffer zone of a BVW**

Property owner Deborah Van Walsum was present to discuss her proposal for tree removal prepared in conjunction with Amy Coloian of 61 Hartwell Road (see DOA-278 above). She cited safety concerns due to the potential hazard the trees pose during high winds and snowstorms. The Plan calls for grinding the stumps to soil level and spreading the grindings for mulch. She has consulted with a well-regarded nursery in Amherst that specialized in wetland plants in order to determine appropriate species for the replanting plan. The removal would be done by crane to be staged in the driveway, keeping disturbance to other wetland vegetation to a minimum. Based on her observations during a recent site visit, Willard concurred with the applicant that the trees do in fact pose a potential safety hazard. *Kimbrell-Anderson moved to issue a Negative Determination/B3 for DOA-278, Brownrigg seconded, and all voted in favor.*

#### **8:50 p.m. (DEP 125-0892) Notice of Intent**

**Applicant: Catherine Cole**

**Project Location: 81 Craigie Circle**

**Project: Landscaping, planting and construction of a deck**

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Ascolillo recused himself from the hearing as an abutter to the project. George Dimakarakos of Stamski and McNary presented the Plan for landscaping, planting and construction of a deck. Virtually the entire site lies within the Riverfront Area associated with Pages Brook and is within the 100-foot Buffer Zone of a BVW. BLSF is also associated with Pages Brook and exists on the site. He noted that the Commission had issued a “friendly” Enforcement Order requiring that they to stop landscaping work and stabilize with siltation barrier a stockpile of soil. The homeowner, who recently relocated to Massachusetts, had initiated the work prior to being aware of local and state wetlands regulations. The proposed work is located within Priority/Estimated Habitat and therefore subject to review by NHESP. Dimakarakos considered the project to be exempt from a MESA review since it involves work within previously developed and maintained lawns and/or landscaped areas. The hearing was continued to October 28, 2010 at 8:00 p.m. pending a response from NHESP.

#### **393 South Street - Right of First Refusal under MGL Chapter 61B for ~19.8 acres of land**

Trails Committee and members of CCF have requested an additional site visit to the property, which Willard is in the process of coordinating and will advise the Commission via email when the date is set.

**Great Brook Path Invasives Eradication:** Upon completion of a project involving the removal of a stand of *Phragmites australis* in the drainage system of the subdivision off Rutland Road, the applicant, Betsy Goldenberg, has requested that the funds she had allocated for the work in the Commission's 53G account now be released. John Bakewell of Carlisle Arboriculture has confirmed that the multi-year eradication effort has been largely successful, and has agreed to monitor the area next spring at no cost to the applicant. Burn moved to release the 53G funds to Betsy Goldenberg, Ascolillo seconded and all voted in favor.

**Year End Meeting Schedule:** Nov 18, Dec 2, Dec 16

**Berry Corner Lane – Maintenance Agreement:** The Commission conducted a brief review of the draft Orders of Conditions for DEP #125-0890, for which the hearing was closed on 9/30/10. The project involves upgrading the existing common driveway to meet Planning Board requirements and includes provisions for ongoing maintenance. During the hearing, there were concerns relative to responsibilities for the ongoing maintenance. The draft OOC's were modified so as to clarify the fact that future maintenance of the Lane shall be conducted as outlined in the Maintenance Schedule noted on the Plan of Record dated 10/22/2009 and to remove any reference to the BCL Maintenance, Utilities and Easement Agreement dated 5/30/2007, which has been approved by and is on file with the Planning Board.

**Manure Storage Complaint:** The Commission held a discussion in response to a memo from the Board of Health relative to recent complaints received about manure stockpiling on the lot across from the Bog House. Although Manure Storage guidelines are under the jurisdiction of the BOH, they have informed the Commission because the stockpile site is on town conservation land and adjacent to a stream. Willard reported having discussed the situation with farmer Mark Duffy and he has agreed to discontinue delivering to this site and will instead deliver the material directly to the properties where he grows corn. In addition, Duffy assured Willard that the issue would be completely resolved once the new barn at Great Brook Farm State Park has been completed, as the manure will be processed on site in a USDA-approved composting system.

**Dog Sled Land Use Permit Procedures:** A review and discussion of the Land Use Permit request from the New England Dog Sled Club was scheduled for the October 28 meeting.

9:55 p.m. *Burn moved to adjourn, Brownrigg seconded and all voted in favor.*

Respectfully submitted,  
Mary Hopkins  
Administrative Assistant